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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN D. TERZAKIS,  
ROBERT E. ESTUPINIAN,

Defendants.

No. CR 09-01212 JF

STIPULATION AND [PROPOSED]  
PROTECTIVE ORDER RE: DISCOVERY  
OF PERSONAL AND FINANCIAL  
INFORMATION

With the agreement of the parties, and with the consent of defendants John Terzakis and Robert Estupinian (collectively, the "defendants"), the Court enters the following order:

Defendants are charged in a twelve count indictment with conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349; wire fraud (five counts), in violation of 18 U.S.C. § 1343; money laundering (five counts), in violation of 18 U.S.C. § 1957(a); and conspiracy to launder monetary instruments, in violation of 18 U.S.C. § 1956(h), arising out of their participation in the tax-deferred real estate exchange Vesta Strategies, LLC ("Vesta").

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PROTECTIVE ORDER

*United States v. Terzakis et al.*

CR 09-01212 JF

E-FILED

APR 27 2010

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

1 The indictment alleges that defendants conspired in a scheme to defraud Vesta clients of  
 2 their deposits, and used interstate financial wire transfers in furtherance of the scheme, resulting  
 3 in a claimed loss of approximately \$25 million. As part of this investigation, the government  
 4 obtained numerous records containing personal identifying information, including social security  
 5 numbers, and private financial information, including financial account information, belonging to  
 6 the Vesta clients and victims in this case.

7 Upon request, the United States will produce to counsel for the defense discovery that  
 8 contains personal identifying information and private financial information belonging to the  
 9 Vesta clients and victims in this case. Pursuant to Federal Rule of Criminal Procedure 16(d)(1),  
 10 the government requests that disclosure of these materials be subject to the following restrictions:

11 1. The defense will take reasonable and appropriate measures to preserve the  
 12 privacy of the protected documents. The defense will not disseminate the documents without  
 13 redacting personal identifying information, including social security numbers, and private  
 14 financial information, including financial account information, except under the circumstances  
 15 listed in ¶¶ 2-5, below.

16 2. The following individuals shall be permitted to examine unredacted  
 17 versions of the protected documents:

- 18 A. Counsel for each defendant, John Terzakis or Robert Estupinian;
- 19 B. Members of the defense counsel's law office who are assisting
- 20 with the preparation of Messrs. Terzakis or Estupinian's defense;
- 21 C. Experts or investigators retained by counsel for each defendant in
- 22 connection with this case;
- 23 D. The institution that generated the document, where applicable;
- 24 E. The Vesta client who is the subject of the document;
- 25 F. The institution to which the protected information pertains (for
- 26 example, the defense may disclose an unredacted Bank of America
- 27 account number to Bank of America);
- 28

G. Defendants Mr. Terzakis and Mr. Estupinian shall be permitted to examine unredacted versions of the protected documents, but shall not be permitted to retain them.

3. If the defense wishes to disclose an unredacted protected document to a party not listed in ¶ 2, it may make an *ex parte* application to the Court, and may make such disclosure as the Court permits.

4. Any pleading that includes unredacted protected documents, or the protected content of such documents, shall be filed under seal.

5. No one shall be permitted to examine any protected document pursuant to ¶ 2C until he or she has signed an acknowledgment of the terms of the protective order.

6. At the conclusion of this case, including any appeal, habeas petition, or petition for certiorari, the defense shall destroy all unredacted protected documents in its possession and shall direct anyone who has received such documents pursuant to ¶ 2C to return the documents to the defense for destruction.

7. Nothing in this stipulated protective order shall preclude either party from seeking further modification or relief from the Court.

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PROTECTIVE ORDER

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